UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI **EASTERN DIVISION**

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JUDGMENT

In accordance with the Memorandum and Order entered this same date,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the petition of Andre Ezell for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED**.

IT IS FURTHER ORDERED that as Ezell has not made a substantial showing of a denial of a constitutional right this Court will not issue a certificate of appealability.

RODNEY W. SIPPEL UNITED STATES DISTRICT JUDGE

Dated this 30th day of March, 2006.